

REMARKS

Summary

Claims 1-9 were pending and all of the claims were rejected in the Office action. Amendments have been made to the specification and the drawings. No new matter has been added. The Applicant has carefully considered the arguments made by the Examiner and respectfully traverses the rejection for at least the reasons set forth below.

Response to Arguments

At item 4 of the Office action, the Examiner responded to the Applicant's arguments by stating that "[the disclosure] does not teach or suggest a power source comprising at least two rectangular parallelepiped batteries." , yet, in item 3 of the Office action, the Examiner asserted that the specification is "enabling for a power source composed of two rectangular parallelepiped batteries." In the language of 35 U.S.C. § 112, first paragraph, the specification "shall contain a written description...in such full, clear, concise, and exact terms as to enable any person skilled in the art....to make and use the same..." Since the specification is acknowledged by the Examiner to be enabling for a power source comprised of two rectangular parallelepiped batteries, it must ineluctably teach the subject matter. Hence the Applicant respectfully submits that the Examiner has not rebutted the Applicant's response, and the claims are, without more, allowable.

Claim Rejections

35 U.S.C. § 112, first paragraph

Claim 1 was rejected under 35 U.S.C. § 112, first paragraph, because "the specification "does not reasonably provide enablement for more than 2 batteries in the system" (Office action, item 3.) Original claims in the predictable arts are self

supporting, i.e., they constitute their own description, and each original claim is the invention. (*In re Gardner*, 475 F.2d 1289, 177 USPQ 396, 178USPQ 149 (CCPA 1973),

Original Claim 1 recited, *inter alia*, “a power source having at least one battery....”

In response to a prior Office action, the Applicant amended Claim 1 to recite, *inter alia*, “a power source comprising at least two rectangular parallelepiped batteries....” This arrangement is clearly illustrated in Fig. 2.

Since the original Claim 1 encompassed “at least one battery”, which is construed to mean “one or more batteries”, the subsequent claim amendment to read “at least two batteries” must be construed to mean “two or more batteries”. This claim element, as amended, is clearly more restrictive than that of the original claim, and must therefore be within the scope of the invention as originally claimed. No previous rejection of this claim on the basis of lack of enablement had been made, and the Examiner has not provided any rationale for making such a rejection at this juncture in the prosecution of the application. MPEP 707.07(g).

In the interest of completeness, the Applicant has amended the application to introduce an embodiment clearly within the scope of original Claim 1 by adding Figs. 5 and 6, and brief written description. Being supported by the original Claim 1, this does not constitute new matter. This amendment merely responds to the Examiner’s perception that additional description of the invention as originally claimed would be helpful in comprehending the scope of the invention. Nothing in this amendment is intended to limit the number of batteries to a specific number greater than three, or to imply that the additional embodiment is more than an additional example of the application of the invention claimed, which would have been apparent to a person skilled in the art on reading the patent which will issue from this application.

Conclusion

Claims 1-9 remain pending.

For at least the reasons given above, the Applicants respectfully submit that the pending claims are allowable.

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The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Anthony P. Curtis', written over a horizontal line.

Anthony P. Curtis, Ph.D.
Registration No. 46,193
Agent for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200